

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA)	
)	
)	
)	
v.)	CRIMINAL No. 07-28-P-H
)	
VODIE GOODMAN,)	
)	
DEFENDANT)	

ORDER ON DEFENDANT'S MOTION TO REDUCE SENTENCE

The defendant has moved for a sentence reduction on the premise that the retroactive reduction of the crack cocaine penalties, Guideline Amendments 706, 711, should produce a lower sentence than the sentence he received on November 28, 2007.

Although the Presentence Investigation Report did calculate the crack cocaine quantity, the defendant's sentence ultimately was not affected by the crack cocaine quantity, but was imposed under the Career Offender guideline, U.S.S.G. § 4B1.1, as the court of appeals recognized in the defendant's direct appeal. See Mandate of the United States Court of Appeals for the First Circuit in United States v. Goodman, No. 2:07cr28 (D. Me.) (Docket Item 50). The amendment to the crack cocaine Guideline does not affect the career offender Guideline and therefore does not affect the defendant's sentence.

The motion is therefore **DENIED**.

I compliment the defendant for the progress he has made in prison as reflected in his letter to me with enclosed certificates.

SO ORDERED.

DATED THIS 26TH DAY OF AUGUST, 2009

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE